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10/566,536	01/30/2006	Arakkal Abdul Khader Lathief	A06493US (126.2)	5908
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GARVEY SMITH NEHRBASS & NORTH, LLC			KWIETCINSKI, RYAN D	
LAKEWAY 3, SUITE 3290				
3838 NORTH CAUSEWAY BLVD.			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/566,536	Applicant(s) LATHIEF, ARAKKAL ABDUL KHADER
	Examiner RYAN D. KWIECINSKI	Art Unit 3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 January 2008.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 October 2007 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Drawings

The drawings are objected to because:

Page 5 of the drawings has two figures labeled, Fig. 8. The drawings must be independently labeled.

Figures 1-3 are labeled using words such as "female" and "male", the specific parts of each Figure must be labeled with reference numerals and not words in accordance with 37 C.F.R. 1.84.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The amendment filed 25 January 2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

Applicant now discloses an addition of spacers and wedges in the intermediate process of forming the glazing (Page 1, Technical Field, lines 5-14; Pg. 2-3, Fig. 6-6B; Pg. 6, lines 1-16).

Applicant also discloses new uses for the glazing system (Pg.2, lines 6-9).

Applicant is required to cancel the new matter in the reply to this Office Action.

The disclosure is objected to because of the following informalities:

Page 3, line 8, Applicant refers to Figure 9 which does not exist.

Appropriate correction is required.

Claim Objections

Claims 14-18 are objected to because of the following informalities:

The claims should have --(New)—as their status identifiers and not "(Previously Presented)".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1 and 2 specifically contain subject matter that was not originally disclosed in the specification. Claim 1, lines 4-11, recite limitations of spacers and wedges which are used as an intermediate step in order to form the glazings of the claims. Claim 2 also recites the spacers and wedges in lines 20-22.

The specification now has newly added matter disclosed as recited above under the objection to the specification.

The drawings also contain newly added matter which was not originally supported in the specification. Figures 5 and 6-6B show the spacers and wedges (94 and 95) inserted in the glazings.

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 17 recites that the male and female profiles can be extruded from plastic or other materials having thermal insulation properties, but claim 1 from which it depends recites the two profiles are formed from aluminum. It is not possible to have 2 aluminum profiles extruded from a plastic material.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "lower legs", "the locking tips", "the vertical leg", "said vertical tip of said male profile" in lines 6, 7, 8, 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 recites the limitation "the upper leg", "lower legs", "the vertical leg", the vertical tips", "the rubber beadings", "the opposite forces", the respective tips" in lines 4, 6, 9, 12, 12, 14, 16, 17, 18, 20. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the leg" in line 2. It is unclear to which leg the Applicant is referring to.

Claim 4 recites the limitation "the upper leg", "the lower leg, in lines 1-2, and 5. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the leg" in line 6. It is unclear to which leg the Applicant is referring to.

Claim 4, the recitation "-which...surface-" in lines 2-3, should be deleted or rewritten.

Claims 6 and 7, recites the limitation "the rubber beadings" in lines 2 and 3-5 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim 6, recites the limitation "the vertical tips" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11, recites the limitation "the upper portion of said gap" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 11, it is vague and unclear how "the upper leg" can be an upper portion of "a gap". The upper leg can be the upper boundary of the gap but it cannot be the upper portion.

Claim 12, recites the limitation "the lower portion of said the base" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the vertical leg", "the lock", "the upper and lower legs", in lines 2-5. There is insufficient antecedent basis for this limitation in the claim.

Claim 14 recites the limitation "the rubber beadings", "said locking chamber", in lines 1-2 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 15-17, it is unclear if the capability statement is being claimed or not since Applicant recites "which can be utilized". The glazing is either utilized or its not.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18 are rejected as best understood under 35 U.S.C. 103(a) as being unpatentable over US 3,774,363 to Kent in view of 4,689,933 to Biro in view of 3,881,290 to Bouchey.

Claim 1:

Kent discloses a self-locking glazing system composed of two profiles designed in such a way comprising:

a male profile (7, Fig.1) and a female profile (1, Fig.1) to self-lock glass panels (4) using rubber beading (5); said glazing system functions when a glass panel is placed on an upper leg (23) of said female profile and next a horizontal leg (11) of said male profile is inserted with a locking tip (12) facing upward into a gap between lower and upper legs of said female profile; the locking tips of both the male and female (26)

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profiles are then engaged by tilting said male profile on a built-in fulcrum (15), wherein the profiles tighten the grip when the rubber beadings (5) are placed between the profile and the glass.

Kent does not disclose the profiles being aluminum nor does he disclose rubber beadings on both sides of the glass between male and female profiles.

Biro discloses aluminum profiles (Column 1, ,lines 38-39) being used in windows.

Bouchey discloses rubber beadings (14,16,22, Fig.7) on both sides of the glass insert.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the glazing of Kent with the profiles being formed out of aluminum since it is notoriously well known in the art to form window profiles from aluminum which is light weight, cheap, and weather resistant. It also would have been obvious to insert rubber beadings on both sides of the window profiles in order to lock the glazing in place as well as protect the window from direct contact from the profile members. The rubber beadings will also seal the profile members and prevent moisture and dirt/debris from entering the glazing system.

The recitations "with a pair of spacers between a vertical tip of the said female profile and said glass panel" and "by pulling the vertical leg outward and introducing a pair of wedges into a space between the said glass panel and the said vertical tip of the male profile to keep the locked tips engaged and said profiles are arrested; so that said glass panel is locked in said glazing system; and said glazing system further tightens its grip on edges of the locked glass panel when the spacers and wedges are replaced by

rubber beadings" are intermediate steps of designing the glazing system and do not add further structural limitations to the final product of the claimed glazing system.

Claim 2:

Kent discloses a self locking glazing system comprising:

a female profile (1, Fig.1); said female profile comprising a right angled profile (1, Fig.1) with a horizontal base (3) open at one end and a second end having a vertical upper leg (2), and the upper leg (23) extending from a lower half portion of the vertical leg having a plain surface on its top and a downwardly sloping protrusion (curved end of 23) bearing a female locking tip (26) with a mating chamber (space between 23 and 3) facing down towards a gap between the upper and lower legs;

a male profile (7); said male profile comprising an acute angled profile (7) with a horizontal leg (11) at a base, with a male locking tip (12) facing upward at one end and a second end having a built in fulcrum (15) on which the vertical leg (8) stands upward with a tip (14) on the top;

the locking tip (12) of the horizontal leg of the said male profile interlocks with the female locking tip (12,26, Fig.1) underneath the upper leg of said female profile, when the horizontal leg of the male profile is introduced through the gap between the upper leg and the lower leg of the female profile, and the vertical leg of the male profile is tilted outward about its built-in fulcrum;

the upper leg of the said female profile comprising a flat surface on its top (top of 23) providing a support area for a glass panel (4) which can be locked by the glazing

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system by the female locking tip beneath said upper leg interlocks with the male locking tip (12,26, Fig.1) when engaged by tilting the vertical leg of the male profile outward on its built-in fulcrum (15) and the vertical tips 14 and top of 2) of both the male and female profiles lock the glass in position from both sides.

Kent does not disclose horizontal tips on the top of the vertical legs of the male and female profiles nor does Kent disclose rubber beadings on both sides of the glass panel.

Biro discloses horizontal tips (119, 174, Fig.4) on the top of the vertical legs of the male and female profile.

Bouchey discloses rubber beadings (14,16,22, Fig.7) on both sides of the glass panel.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the profile members of Kent with horizontal tips on the tops of the vertical legs in order to hold the rubber beadings in place as well as further clamp the glass panel to secure the panel between the profile members.

It also would have been obvious to insert rubber beadings on both sides of the window profiles in order to lock the glazing in place as well as protect the window from direct contact from the profile members. The rubber beadings will also seal the profile members and prevent moisture and dirt/debris from entering the glazing system.

The recitation "wherein the opposite forces in opposite directions are placed on the respective tips of the male and female profiles when spacers and wedges are replaced by grooved rubber beadings of appropriate resilience" is an intermediate step

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of designing the glazing system and do not add further structural limitations to the final product of the claimed glazing system.

Claims 3-5:

Kent in view of Biro in view of Bouchey discloses the glazing system of claim 2, wherein the base of the said female profile has a center (halfway between 2 and 3a, Fig.1), and the leg of the said male profile passes the center when inserted into the gap and the locking tips are engaged;

wherein the upper leg of the female profile has a downwardly sloped protrusion (curved end of 23) with a female locking tip (26) followed by a locking chamber (gap between 23 and 3) which faces downward to the gap between the upper leg and lower leg; the locking tip (12) on the horizontal leg of the male profile interlocks with the female locking tip inside the said locking chamber;

wherein the horizontal leg (11) of the said male profile has a unique male locking tip formed by two upward sloping surfaces (two sloping surfaces forming the pointed tip of 11) and a vertical dropping down mating face (12); the said male locking tip interlocks in said locking chamber with a complementing locking tip of the said female profile.

Claims 6-8:

Kent in view of Biro in view of Bouchey discloses the glazing system of claim 2,

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Bouchey discloses the rubber beadings (14,16, 22) between the vertical tips and the glass panel, Kent discloses the vertical tip of the male profile having a turning moment due to the built in fulcrum (15) in the male profile;

wherein the male profile attempts to rotate around the fulcrum (15);
the fulcrum (15) rests on the base (3) of the female profile.

Claims 9-12:

Kent in view of Biro in view of Bouchey discloses the glazing system of claim 2, Kent also discloses wherein a vertical plane passing through the center of the said glass panel will intersect both the male and female profiles (plane through glass will intersect 11 and 23), and also intersect the gap (gap below 23) of the female profile and the horizontal leg (11) of the male profile;

wherein the vertical plane will intersect both the upper and lower leg of the female profile (3, 23);

wherein the upper portion of the said gap is the upper leg of the female profile (gap is between 3 and 23), which is supporting the said glass panel, is flat (23);

wherein the lower portion of the base is the lower leg of the female profile which is flat in general (3).

Claim 13:

Kent in view of Biro in view of Bouchey discloses the glazing system of claim 2,

Biro also discloses wherein the horizontal tips of the male and female profiles are at the same height (119, 174, Fig.4 and 5).

Claim 14:

Kent in view of Biro in view of Bouchey discloses the glazing system of claim 2, Bouchey also discloses wherein the rubber beadings (14, 16, 22, Fig.7) are introduced into the system. Applicant discloses in the claim itself that rubber has an inherent resiliency that makes the beadings capable of sealing and locking the glazing system.

Claims 15-18:

Kent in view of Biro in view of Bouchey discloses the glazing system of claims 1 and 2.

The claims are reciting capabilities of the glazing system and uses recitations such as "can be utilized", "can be used", and "adaptable for" which all are recitations of capabilities of the glazing system of the claims. The glazing systems of Kent, Biro, and Bouchey are all capable or performing the uses as claimed in claims 15-18. Therefore claims 15-18 fall under the rejections of claims 1 and 2 since no further structural limitations are added to the claims.

Response to Arguments

Applicant's arguments filed 25 January 2008 have been fully considered but they are not persuasive.

Applicant argues primarily that Kent does not disclose a functional fulcrum. Kent clearly shows a fulcrum on which the male profile rotates when inserted into the female profile. The material used for the fulcrum will not prevent the fulcrum from being functional. Applicant also argues that the locking tip of the male profile is plastic. Although the locking tip is plastic, Biro teaches the profiles being aluminum which is a well known material when forming window profiles. Also, in claim 2, the material of the profiles is not claimed. Kent also clearly shows a downwardly sloped female locking surface, Applicant argues that a curved sheet is not a downwardly sloped portion which is found unpersuasive.

Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN D. KWIECINSKI whose telephone number is (571)272-5160. The examiner can normally be reached on Monday - Friday from 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571)272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RDK

/Ryan D Kwiecinski/

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Examiner, Art Unit 3635

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/Robert J Canfield/

Supervisory Patent Examiner, Art Unit 3635